

# Court Advisory

Fourth Court of Appeals  
Cadena-Reeves Justice Center  
300 Dolorosa, Suite 3200  
San Antonio, Texas 78205-3037



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FOR IMMEDIATE RELEASE  
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## Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, February 19, 2019, beginning at 2:00 p.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Patricia O. Alvarez, and Justice Liza A. Rodriguez.

The following cases will be presented:

*David Mora, Texas Sterling Construction Co. a/k/a Texas Crushed Concrete, and Sterling Construction Company, Inc. a/k/a Sterling Delaware Holding Company, Inc. v. Martin Valdivia, Sr. and Maria Cervantes Valdivia, both Individually and as Sole Heirs of the Estate of Martin Valdivia, Jr., Deceased* - Following a jury trial, the trial court entered judgment in favor of appellees in this personal injury case. Appellants ask this court to determine whether the evidence is legally and factually sufficient to support the jury's findings that: (1) appellees were not in the course and scope of their employment at the time they were injured, (2) appellants were grossly negligent, and (3) another defendant was not liable. Appellants also challenge the trial court's evidentiary rulings.

*Jesus Virlar, M.D. and GMG Health Systems Associates, P.A. a/k/a and d/b/a Gonzaba Medical Group v. Jo Ann Puente* - In this medical malpractice appeal, this Court is being asked to determine five issues: (1) whether the trial court erred in excluding expert medical testimony; (2) whether evidence of Dr. Virlar's loss of privileges and other bad acts in treating other patients was admitted in violation of Texas Rule of Evidence 403; (3) whether the evidence is legally and factually sufficient to support the jury's award of \$888,429.00 in future loss of earning capacity; (4) whether the judgment awarded in favor of Jo Ann Puente should be reduced by the sum of the hospital's settlement to Puente's minor child; and (5) whether the trial court erred in failing to order periodic payments.

The oral arguments will be held in the Fourth Court's Courtroom, Caden-Reeves Justice Center, Third Floor, 300 Dolorosa, San Antonio, Texas.